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# NASA Procedural Requirements

**NPR 9050.3**Effective Date: September 30,  
2008Expiration Date: September  
30, 2013**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

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 (NASA Only)

## **Subject: The Antideficiency Act**

**Responsible Office: Office of the Chief Financial Officer**[| TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [AppendixA](#) | [ALL](#) |

## **Chapter 1. The Antideficiency Act**

### **1.1 Overview**

1.1.1 All federal funding is subject to the Antideficiency Act (ADA), one of the major laws through which Congress exercises constitutional control over the public funds. Yet, the number of ADA violations reported in the federal government continues to increase. The purpose of this NPR is to set forth NASA requirements with regard to the requirements imposed by the ADA and similar laws and to emphasize the importance of complying with their provisions.

### **1.2 Agency Requirements**

1.2.1 All NASA personnel, including contractors that support NASA obligation and expenditure activities, shall comply with the provisions of the ADA and other laws affecting the use of federal funds, regardless of the funding source.

### **1.3 Roles and Responsibilities**

1.3.1 Any individual with knowledge of a potential ADA or administrative violation shall notify the Center Chief Financial Officer (CFO), if at the Center level; the Agency Deputy CFO (DCFO), if at the Headquarters level; or the Deputy Inspector General (DIG), if in that office, of any potential fund control violation, either statutory or administrative, immediately upon discovery.

1.3.2 The Center CFO, Agency DCFO, or Deputy IG shall then take action in accordance with the requirements set forth in this NPR.

1.3.3 The roles and responsibilities for ensuring ADA and administrative fund control compliance during the budget execution process are defined in NPR 9470.1.

### **1.4 ADA Requirements**

1.4.1 The ADA primarily effects control by imposing constraints. Some of the prohibitions imposed by Congress in the ADA are:

- a. Making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law.
- b. Involving the government in any contract or other obligation for the payment of money for any purpose in advance of appropriations made for such purpose, unless the contract or obligation is authorized by law.
- c. Accepting voluntary services for the United States, or employing personal services in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property.

d. Making obligations or expenditures in excess of an apportionment or reappropriation, or in excess of the amount permitted by agency regulations.

## 1.5 Administrative Requirements

1.5.1 An administrative requirement on funds includes internal policy concerning the use of Federal funds and funding controls below the suballotment level. An administrative control violation does not violate the ADA unless it results in one or more of the situations identified in Section 1.4.

## 1.6 Other Legal Requirements

1.6.1 Several laws other than the ADA also affect the use of Government funds. Additional restrictions include:

- a. Appropriations may be used only for their intended purposes.
- b. Appropriations made for a definite period of time may be used only for payment of expenses properly incurred or to complete contracts properly made and obligated during that time, i.e., there must be a "bona fide need" during the period of availability.
- c. Unless authorized by law, money received from sources other than congressional appropriations must be deposited in the Treasury.

## 1.7 Legal Questions

1.7.1 Any questions regarding the application of the ADA or related laws to a particular transaction should be referred to the Office of Chief Counsel at field Centers; the Office of General Counsel at Headquarters; or the Counsel to the IG, if in that office.

## 1.8 Penalties

1.8.1 Administrative Penalties. The law provides that any officer or employee of the United States who violates the prohibitions of the ADA shall be subject to appropriate administrative discipline. However, administrative discipline may also be appropriate for administrative violations. If a violation is substantiated, one of the following actions must be taken:

- a. Admonishment (administrative violations that do not result in an ADA violation only).
- b. Letter of reprimand for the official personnel record of the officer or employee.
- c. Transfer to another position.
- d. Suspension from duty without pay.
- e. Removal from office.

1.8.2 Criminal Penalties. The law also provides that any officer or employee of the United States who knowingly and willfully violates the prohibitions of the ADA shall be fined not more than \$5,000, imprisoned not more than two years, or both. Criminal penalties will not apply to administrative violations.

## 1.9 Reporting Requirements

1.9.1 All violations of the ADA shall be reported to the President, Congress, and the Comptroller General, and the names of those responsible for the violations must be included in that report. OMB Circular No. A-11 and the NASA Fund Control Regulations contain the reporting requirements.

1.9.2 Violations of other legal or administrative requirements or controls shall be reported to the Center CFO and Agency DCFO, and to the Office of the IG in cases of possible criminal violations of law, to determine what additional action must be taken.

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